

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) KENTON RUMERY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 15-cv-00295-JED-TLW
)	
(1) THE TRAVELERS HOME & MARINE)	
INSURANCE COMPANY,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant The Travelers Home & Marine Insurance Company (hereinafter “Defendant”), files this Notice of Removal of this case from the District Court of Tulsa County, Oklahoma. In support of removal, Defendant states the following:

1. On October 13, 2014, Plaintiff Kenton Rumery (“Plaintiff”) filed a Petition in the District Court of Tulsa County, Oklahoma, captioned *Kenton Rumery, an individual v. American Travelers Insurance Company, a domestic for-profit corporation insurance*, Case No. CJ-2014-3878 (“State Court Action”). See Petition, Ex. 1.

2. On February 9, 2015, Plaintiff filed a First Amended Petition in the State Court Action, captioned *Kenton Rumery, an individual v. Travelers Home & Marine Insurance Company, a domestic for-profit corporation insurance*. See First Amended Petition, Ex. 2.

3. On May 8, 2015, Defendant was served with the Alias Summons and First Amended Petition in the State Court Action by certified mail via the Oklahoma Insurance Commissioner, as designated agent for foreign insurance companies doing business in the State of Oklahoma. See Alias Summons, Ex. 3.

4. Defendant is filing this Notice of Removal within thirty (30) days after receipt of Plaintiff's First Amended Petition. Thus, under 28 U.S.C. § 1446(b), Defendant's time to remove has not yet expired.

5. Plaintiff is a resident of the State of Oklahoma. Defendant is a Connecticut corporation with its principal place of business in Hartford, Connecticut. Therefore, complete diversity exists between the parties to this case.

6. In addition to complete diversity existing, the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, establishing this case is properly removed pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. Specifically, Plaintiff asserts in his Petition his damages are "in excess of Seventy-Five Thousand Dollars (\$75,000.00) each, plus interest, costs, attorneys' fees, and any such other relief as the Court deems just and proper." See First Amended Petition, Ex. 2 (emphasis in original).

7. The United States District Court for the Northern District of Oklahoma is the appropriate court for filing a Notice of Removal from the State Court where Plaintiff's State Court Action is pending, and accordingly, Defendant seeks to remove the State Court Action to this Court.

8. Upon receiving the federally-filed Notice of Removal, Defendant will file a copy of the Notice of Removal with the State Court, and will provide written notice to all counsel, all in accordance with 28 U.S.C. § 1446(d).

9. Pursuant to 28 U.S.C. § 1446 and LCvR 81.2, a copy of the docket sheet and a copy of all documents filed and/or served in the District Court of Tulsa County, Case No. CJ-2014-3878 are attached hereto. See Docket Sheet, Ex. 4; Petition, Ex. 1; First Amended Petition, Ex. 2; Alias Summons, Ex. 3; Entry of Appearance by Billy D. Griffin, Jason B. Reynolds and

Jon M. Williford Entering as Counsel, Ex. 5; Application to Withdraw as Attorney of Record filed 05/05/2015, Ex. 6; Application to Withdraw as Attorney of Record filed 05/07/2015, Ex. 7; Order Allowing Withdrawal as Attorney of Record, Ex. 8; Notice of Impending Dismissal for Failure to Obtain Service within 180 Days to Billy D. Griffin, Ex. 9; Notice of Impending Dismissal for Failure to Obtain Service within 180 Days to Jason B. Reynolds, Ex. 10; Notice of Impending Dismissal for Failure to Obtain Service within 180 Days to Jeffrey Allen Martin, Ex. 11; Notice of Impending Dismissal for Failure to Obtain Service within 180 Days to Jon M. Williford, Ex. 12; Certificate of Service by Mail as to The Travelers Home & Marine Insurance Company, Ex. 13.

10. Under the provisions of 28 U.S.C. §§ 1441(a), (b), and (c), and all other applicable statutes, all of which Defendant The Travelers Home & Marine Insurance Company has complied with, this cause of action is removable to the United States District Court for the Northern District of Oklahoma.

Respectfully submitted,

s/Derrick T. DeWitt

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CERTIFICATE OF SERVICE

This is to certify that on the 28th day of May, 2015, the above document was electronically transmitted to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/Derrick T. DeWitt
